

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE K.HARILAL

FRIDAY, THE 29TH DAY OF MAY 2015/8TH JYAISHTA, 1937

RPFC.No. 300 of 2014

AGAINST THE ORDER IN CRL.M.P.No.396/2013 IN MC 180/2013 of
FAMILY COURT, KOTTARAKKARA

REVISION PETITIONER(S)/RESPONDENT:

THAJUDEEN, AGED 43 YEARS
S/O UDHUMANKUNJU RAWTHER
MAMOOTIL KIZHAKKUMKARA VEEDU, THADIKKADU P.O
ARACKAL VILLAGE, PATHANAPURAM TALUK

BY ADVS.SRI.MANOJ RAMASWAMY
SMT. SREEJA V.

RESPONDENT(S)/PETITIONER & STATE:

1. HASEENA, AGED 28 YEARS
D/O SHEREEFA BEEVI, MAMOOTIL KIZHAKKUMKARA VEEDU
THADIKKADU P.O, ARACKAL VILLAGE
NOW RESIDING AT CHEMNIKKARA VEEDU, PLAMMODU, KUNNICODE
VILAKKUDI VILLAGE, ELAMPAL
PATHANAPURAM TALUK 691306

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM 682031

R1 BY ADVS. SRI.NIRMAL V NAIR
SRI.ANEESH JOSEPH
SRI.RILGIN V.GEORGE
R2 BY PUBLIC PROSECUTOR MISS.MADHU BEN.

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR
ADMISSION ON 29-05-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

RPFC.No. 300 of 2014

APPENDIX

PETITIONER'S ANNEXURES :

A1 - COPY OF THE M.C.NO.180/2013 DATED 29.05.2013 FILED BY
THE RESPONDENT BEFORE THE HONOURABLE FAMILY COURT,
KOTTARAKKARA.

A2 - COPY OF THE OBJECTION DATED 25.06.2014 FILED BY THE
PETITIONER.

RESPONDENTS' ANNEXURES : NIL

//TRUE COPY//

P.A TO JUDGE

stu

K. HARILAL, J.

R.P.(FC) No.300 of 2014

Dated this the 29th day of May, 2015

ORDER

The revision petitioner is the respondent in Crl.M.P.No.396 of 2013 in M.C.No.180 of 2013 on the files of the Family Court, Kottarakkara. The above M.C. was filed by the 1st respondent herein, who is the wife of the petitioner, under Sec.125(1) of the Code of Criminal Procedure, claiming maintenance allowance from the petitioner. The petitioner entered appearance. Thereafter, the 1st respondent filed the above Crl.M.P. seeking interim order granting maintenance allowance at the rate of ₹5,000/- per mensem. After considering the pleadings of both parties and hearing them, the court below directed the petitioner to pay an interim maintenance at the rate of ₹2,500/- per mensem. According to the petitioner, the court below ought not have granted interim maintenance without

taking evidence in the M.C.

2. The object of Section 125(1) of the Cr.P.C. is to prevent vagrancy and destitution; so also it is intended to give a speedy remedy to the wife who has been deserted by the husband. There is no illegality in granting an interim maintenance for the time being till the disposal of the M.C, if the court is satisfied that the petitioner has a prima facie case.

3. Coming to the instant case, it is the case of the 1st respondent that the petitioner is working as an 'Imam' in a mosque. In the objection, the petitioner himself admitted that he is working as an 'Imam'. He has no case that he is physically disabled or incapacitated to do work. In the above circumstances, the court below can be justified in granting interim maintenance allowance to his destituted wife.

4. Considering the living status as a wife of an 'Imam' and the steep increase in the cost of living, I am of the

opinion that the quantum of interim maintenance allowance determined by the court below is reasonable, just and proper.

5. The learned counsel for the petitioner urged for a direction to the court below to dispose of the matter at the earliest. Having regard to the said submission, the court below is directed to dispose of the M.C. after taking evidence, at any rate, within a period of six months from the date of receipt of a copy of this Order.

The revision petition is disposed of.

Sd/-
K.HARILAL, JUDGE.

stu

//True copy//

P.A to Judge